

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

OKECHUKWU UDUKO,

Plaintiff,  
v.  
STEPHEN E. COZZENS, et al.,

CASE NUMBER: 11-13765  
HONORABLE VICTORIA A. ROBERTS  
UNITED STATES DISTRICT COURT JUDGE

Defendants

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**ORDER**

Before the Court are Defendants Magulick, Terris, and Guidry's motions to dismiss Plaintiff Uduko's Complaint for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6). (Dkt. 86, 87, and 100 respectively). The Court adopted the Magistrate Judge's Report and Recommendation regarding Defendants Cozzens, Curtis, Aviles, Ellis, Brown, Cheatham, Toney, Duby, Dolber, Downing, Murdock, Bozeman, Gubbins, Zych, Smith, Doty, and Guittierrez's motions to dismiss (Dkt. 110). Magulick, Terris, and Guidry join in the other Defendants' earlier motions to dismiss and adopt their arguments.

The Court refers to its prior order and makes the same ruling with respect to Magulick, Terris, and Guidry's motions to dismiss.

Accordingly, the following claims are dismissed:

- 1.) *Bivens* conspiracy claim in Count 13.
- 2.) § 1985(3) conspiracy claim in Count 14.

The following claims will proceed to trial:

- 1.) All retaliation claims (Counts 1, 2, 4-9, 12, and 13).

- 2.) All First Amendment/RFRA/RLUIPA claims (Counts 3, 10, and 11).
- 3.) *Bivens* conspiracy claim in Count 1.
- 4.) Discrimination claims (Counts 13 and Count 14—against Cozzens only).

Defendants are not entitled to qualified immunity on Uduko's First Amendment/RFRA/RLUIPA claims or retaliation claims.

**IT IS ORDERED.**

/s/ Victoria A. Roberts

Victoria A. Roberts  
United States District Judge

Dated: October 1, 2013

The undersigned certifies that a copy of this document was served on the attorneys of record and Okechukwu Uduko by electronic means or U.S. Mail on October 1, 2013.

S/Linda Vertriest  
Deputy Clerk